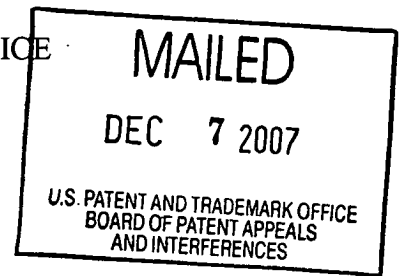


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: MARK LANDESMANN

Application No. 09/758,239

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on December 5, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

An examination of the application reveals that the Final Rejection mailed November 3, 2004 and the Examiner's Answer mailed May 11, 2006, failed to discuss claims 190, 200, and 205-208 in the statement of the grounds of rejection. The statement of rejections are listed as follows:

1. Claims 181, 183, 185-188, 192-198 are rejected under 35 U.S.C. 102(e) as being anticipated by Day, US 6484146, hereinafter Day.
2. Claim 182 is rejected under 35 U.S.C. 103(a) as being anticipated over Day as applied to claim 181 in view of Goldhaber, US 5855008, hereinafter Goldhaber.
3. Claims 184, 189, 220-223 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Day.

4. Claim 199 is rejected under 35 U.S.C. 103(a) as being unpatentable over Day in view of Gardenswartz et al, US 6298330 B, hereinafter Gadenswartz.

5. Claims 191, 201-202 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber, US 5855008, hereinafter Goldhaber, in view of Weinblatt, US 5515270, hereinafter Weinblatt, and further in view of Day, US 6484146, hereinafter Day.

6. Claims 203-204, 209-218 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber, in view of Weinblatt, as applied to claims 201-202 and further in view of Day, US 6484146, hereinafter Day.

7. Claim 219 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber, in view of Weinblatt and Day, as applied to claims 201-202 and further in view of Dedric[k], 5717923.

Accordingly, the Examiner's Answer does not contain the "Grounds of Rejected to be Reviewed on Appeal" heading as required by 37 CFR § 41.39.

The Grounds of Rejection to be Reviewed on Appeal section of the Appeal Brief filed December 2, 2005 erroneously included in item "F" claim 199 rather than claim 219. It should be noted that the correction could be made in the Examiner's Answer, section 6.

Correction is required.

EVIDENCE RELIED UPON

A review of the Image File Wrapper (IFW) reveals that a copy of the dictionary.reference.com/search?q=interface reference has not been scanned into IFW.

INFORMATION DISCLOSURE STATEMENT

Appellant filed Information Disclosure Statements (IDS) dated: January 29, 2002, May 13, 2005, August 9, 2005, November 15, 2005, December 18, 2006, February 27, 2007, April 30,

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2007, July 17, 2007, and October 23, 2007. There is no indication on the record that the Examiner has signed the above Information Disclosure Statements. MPEP § 609 requires the Examiner to consider any Information Disclosure Statement filed by Applicant if timely submitted. A written communication notifying Appellant of the Examiner's consideration of the above Information Disclosure Statement is required.

CONCLUSION

Accordingly, it is

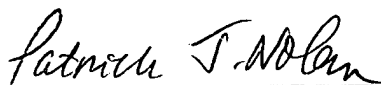
ORDERED that the application is returned to the examiner to:

- 1) issue and mail a revised Examiner's Answer clarifying the rejection of claims 190, 200, and 205-208 and correcting the Grounds of Rejection to be Reviewed on Appeal section;
- 2) locate a copy of the missing reference and have a copy scanned into the IFW;

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- 3) acknowledge and consider the IDS's noted above; and
- 4) for further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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PJN/tsj

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